



Michigan to remove the subject action from Small Claims to the General Civil Division of that court, a copy of which is annexed hereto as Exhibit B. The subject action was then assigned the following case number: 13-CO2245-G. Based on a review of the 52<sup>nd</sup> District Court, Division 4's on-line docket, no further proceedings have been had therein.

4. Based upon the allegations in the Affidavit and Claim, the above-captioned action is a civil suit of which this Court has original jurisdiction under 28 U.S.C. §1331.

5. Plaintiff's Affidavit and Claim alleges several causes of action against Second Round, including claims under the Federal Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, the Federal Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §1681 *et seq.*, and the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, *et seq.* According to the Affidavit and Claim, Plaintiff was allegedly subject to unlawful collection efforts regarding an unidentified "account." Plaintiff further alleges in the Affidavit and Claim that he was subjected to calls made to his cellular phone as part of the collection efforts. All of Plaintiff's claims stem from those factual allegations.

6. The FDCPA is a federal act, which, in general, provides that a consumer can file a civil action when alleged unlawful debt collection practices have been used against him by a collector of debt.

7. The FCRA is a federal act, which, in general, regulates the collection, dissemination, and use of consumer information, including consumer credit information.

8. The TCPA is a federal act, which, in general, prohibits non-emergency calls to cellular phones made through the use of an automatic telephone dialing system to which the intended recipient did not consent.

9. Pursuant to 28 U.S.C. § 1331, the District Court has original jurisdiction over this matter as Plaintiff's claims under the FDCPA, FCRA and TCPA arise under the laws of the United States. Additionally, this Court also has supplemental jurisdiction over all other related claims, pursuant to 28 U.S.C. § 1367(a).

10. Removal of this action to this Court is permissible under the provisions of 28 U.S.C. § 1441 in that it is a civil action founded on a claim or right arising under the laws of the United States.

11. Removal is timely under 28 U.S.C. §1446(b) as thirty (30) days have not elapsed since Second Round first received a copy of the Affidavit and Claim.

12. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this removal notice will be given to Plaintiff and will be filed with the General Civil Division for the 52<sup>nd</sup> District Court, Division 4 of the State of Michigan, following the filing of this notice.

13. In submitting this Notice of Removal, Second Round reserves all defenses, including lack of personal jurisdiction.

**WHEREFORE**, Defendant Second Round, L.P. requests that the above action now pending against it in the General Civil Division for the 52<sup>nd</sup> District Court, Division 4 of the State of Michigan, be removed to the United States District Court For The Eastern District of Michigan.

Date: October 17, 2013

/s/ Nabil G. Foster

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**CERTIFICATE OF SERVICE**

I, Nabil Foster, an attorney, certify that I shall cause to be served a copy of the **NOTICE OF REMOVAL** upon the following individual(s), by deposit in the U.S. mail box at 222 North LaSalle Street, Chicago, Illinois 60601, postage prepaid, before the hour of 4:00 p.m., messenger delivery, Federal Express, facsimile transmitted from (312) 704-3001, or electronically via the Case Management/Electronic Case Filing System ("ECF") as indicated, this 17<sup>TH</sup> day of October, 2013.

<input type="checkbox"/> CM/ECF <input type="checkbox"/> Facsimile <input type="checkbox"/> Federal Express <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Messenger	<i>Plaintiff</i>  Edward Hurtwitz 2228 Rochester Court Troy, MI 48083
	<u>/s/ Nabil G. Foster</u> One of the Attorneys for Defendant
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